

# OPENING OF OPERATORS' CASE

(Continued from Page 1.)

Building and structural iron work, 254.75  
 Iron fences and railings, 150.00  
 Agricultural implements, 212.00  
 Tinware, 258.95  
 Paying brick, 254.00  
 Building brick, 254.00  
 Fire brick, 429.42  
 Slate roofing, etc., 256.15  
 Slate roofing squares, 256.15

The respondents will further show that the average wages paid miners and laborers in the bituminous coal field are not in excess of those paid to the anthracite miners, under the same conditions, and will also prove that the conditions in the bituminous region are less favorable for the miner than in the anthracite region, and that after the strike of May, 1902, a large number of anthracite miners left the hard coal region, and found employment at mining in the bituminous fields, and elsewhere, but that they returned to the anthracite region, immediately upon the announcement that the strike was over and work would be resumed. If the conditions had been more favorable they would have remained. The respondents will show that the miner in the anthracite region works less than in the bituminous region, and is earning more for the hours of labor performed.

### Educational Facilities.

That in no part of the state, outside of the large cities, are better educational facilities afforded than is offered to miners' children in these regions. The employees of the coal companies assess the coal lands, levy the taxes, generally to the full limit allowed by law, and expend the money in building up school houses and equipping them better than in any other part of the country. They have a greater number of months schooling per annum, and pay their teachers about double the amount paid in the agricultural districts of the country. For instance, it will be shown that in Schuylkill county, the total school and building taxes for 1901, were \$20,565.56, of which the coal companies paid \$12,464.11, and the Philadelphia and Reading Coal and Iron company paid \$8,000.25, and that these taxes were nearly all assessed and paid in that portion of the county in which the coal lands are situated; that in these townships, the companies paid from 75 to 95 per cent. of the school and building taxes.

That in Northumberland county, the coal land is leased principally in three townships, Coal, Mount Carmel and Zerbe. In Coal township, the total school and building taxes levied for 1901 were \$20,323.87, of which the coal companies paid \$28,422.90, and the Philadelphia and Reading Coal and Iron company, \$11,296.65. In Mount Carmel, the total amount of school and building taxes levied for 1901, was \$11,278.97, of which the coal companies paid \$12,320.23, and of which the Philadelphia and Reading Coal and Iron company paid \$2,044.11. In Zerbe township, the full limit of twenty-six mills, thirteen mills for school and thirteen mills for building purposes, were levied, and in Mount Carmel township, fifteen mills were levied, thirteen for school and two mills for building purposes. The schools were kept open ten months in the

year, and larger salaries paid to the teachers than in any other portion of the county. Practically the same condition will be shown to prevail throughout the coal regions. Under these circumstances, it is unjust to the young people of the anthracite coal region, to charge that they have not the educational facilities necessary, or that they have not made use of them in acquiring a good English education. In no part of the state where agricultural or manufacturing industries prevail, are there to be found brighter or better educated or more intelligent people than among the miners, who have been born and educated in the anthracite coal fields, and they will compare favorably with those who have enjoyed the benefits of the free schools in any other part of the state. There may be instances, when, through neglect of the parents or the officers of the districts, a child may be allowed to remain out of school and thus not take advantage of the facilities offered, but such instances are likely to occur in any district, and the result should not be charged to any but those who are responsible.

### Is Not Unhealthy.

It will be shown by reliable statistics and the testimony of physicians that mining is not an unhealthy occupation, and that aside from accidents, its healthfulness compares favorably with all other occupations.

As to the third claim made by the complainants, for the adoption of a system by which coal shall be weighed, and fixing a minimum rate per ton, it will be shown that in the larger part of the anthracite coal field, owing to the pitch of the veins and other conditions, it is not only impracticable, but almost impossible to adopt such a system; that mining is now carried on by contract in this portion of the anthracite region, by which the coal laborers do not work eight hours, and that as all of the material, including rock and slate, must be brought to the surface it is the only method that can be adopted.

As to the claim for the reduction of the hours of labor, without any reduction of earnings, it will be shown that miners and laborers do not work eight hours, and that as to the miners, in a majority of cases, they work less than six.

It is to be hoped that after the testimony in behalf of the respondents has been fully heard, the miners and laborers will feel that the wages paid to them are not only equal but greater than is paid to others engaged in similar occupations, and that their conditions and surroundings are not intolerable, as the public agitators and organizers would make them appear, and that the good feeling between the operators and employees, which prevailed prior to 1900, for over thirty years, will again be restored. It is also hoped that the commission, when it has heard all of the evidence, will be able to render such a decision as will be followed by a lengthy period of peace between the employers and employees.

When Mr. Wolverton had concluded his reading, Mr. Burns announced that the independent operators had prepared a supplementary statement pertaining to their contentions, and offered to read or file it for record as the commission would desire. Judge Gray said he might file it, but later, the commission decided to hear it read, and Mr. Burns obliged. He was interrupted several times by the general laughter which his happy illustrations provoked. The statement was as follows:

### Independents' Statement.

The object and organization of this com-

mission is probably without any precedent in this country. It is not based on the common or statute law, but has for its foundation only the agreement of the operators and workmen. It has no power to enforce its judgments, and its findings must necessarily be largely advisory. Under such circumstances, it will easily be seen that the most careful investigation as to the facts, and the clearest judgment as to justice and right, are necessary in order to give satisfaction to the immediate parties, as well as to the general public, who are deeply interested in the ultimate result. If the result of the work of this commission is to be a success, and is to form a precedent for like commissions in the future, then it is a commencement of what may be a solution of some of the most intricate problems connected with the labor question.

It seems to us that the questions, so far as they concern the individuals represented by us, may be considered under three general heads:

1. Wages.
  2. Hours of labor.
  3. Non-union men and discrimination.
- First—As to wages: As this commission derives its powers entirely from the consent of the parties, it may be well to refer to the terms as stated by the coal operators in their suggestion of the appointment of this commission as follows: "We suggest a commission to be appointed by the president of the United States, if he is willing to perform that service, to whom shall be referred all questions at issue between the respective companies and their own employees, whether they belong to a union or not, and the decision of that commission shall be accepted by us."
- "We are not discriminating against the United Mine Workers, but insist that the miners' union shall not discriminate against or refuse to work with non-union men; that there shall be no deterioration in quantity or quality of work, and that, owing to the varying physical condition of the anthracite mines, each colliery is a problem by itself."

### Limit of Jurisdiction.

This declaration by the coal operators limits the jurisdiction of this commission, and defines the method of its application.

It will be noticed that the "questions at issue" are not between the operators as a body, and the workmen as another body, but between the respective companies and their own employees.

In light of the further statement contained in the submission, that "each colliery is a problem by itself," it is clearly apparent that the labor of the different mines is not to be considered as a unit, but that each colliery, and an adjustment thereof, without much reference to the affairs of any other colliery, in the anthracite region, and this not only by the essential difference in the workings, but because it is a vital part of the charter from which this commission derives its authority.

It should be remembered, too, that the adjustment which this commission is to make is between the operators and their employees.

Who are such employees? Evidently, those who are in the employ of the operators. There can be none others. It is somewhat remarkable that among otherwise intelligent persons there should prevail an impression that a different rule of law applies to the business of coal mining than that which is recognized in the relations of employer and employed in other fields of labor. If a farm laborer, without a contract for a certain length of time, is discharged and paid off, nobody supposes that he has any further claim on his employer. If he should come back at the

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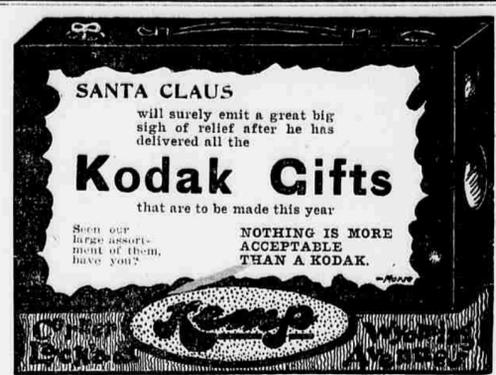
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end of four or five months and claim he is entitled to his former place, and even at a higher rate of wages, he would be laughed at. And yet there is no difference whatever in the legal or moral rights of a farm laborer, and a coal miner. The term "miner's job," when applied to a miner, is not of employment, it is a myth. He has no job. It is he who would not be looking for work. It is also a curious perversion of law and logic, that though the law is in favor of the Mine Workers' reversion to his employment, even after he has abandoned it, he disputes any right whatever of the employer to demand his former services. He claims the entire right to select another employer, but will not admit the employer's right to select another employee. His idea of his labor for the mine is that of a lease. He claims that according to the terms of the submission, any question as to wages should be settled by an examination of the complaints and conditions at each separate colliery, and that the only issue to be tried is that of the wages of each mine and the men actually in his employ.

### Consumer Must Pay.

Again, we think the commission before taking any action looking to the increase of wages, should carefully consider upon whom such increase must fall. If it rest upon the consumer, the burden ultimately rests on the consumer. A half cent of extra means a doubling of the price, as we have witnessed during the past year. If the wages of the miner or wages and shorter days' work, the cost of producing coal is increased one dollar per ton, that dollar must be added to the present cost to the consumer. The shivering inmates of the east side tenements of New York must pay a few cents more for each ball of coal in order to give warm clothes to the miners of Pennsylvania. If this commission were distributing a charity fund, perhaps it might hesitate between the needs of the one and the needs of the other, but such is not the case. There is no authority to tax one class of the poor in order to contribute to the comfort of the other. There is the reverse of the administration of the poor laws.

As we understand it, one of the chief objects of the commission in this case is to ascertain the value of labor in and about the mines. It is purely a business proposition, as much so as the ascertainment of the price of corn and sugar in the open market. And yet the large portion of the evidence thus far has been devoted to sympathy. The small boy in the breaker, the woman in the company house and the scared and crippled miner in the mines have figured very largely in the evidence, and that without the slightest relevancy to the issue being tried. The labor of the poor man with half a dozen children working in the silk mills and living in a company house, is not worth a cent more than that of another man who owns his own home and keeps his sons in college. It is the value of the labor and not the needs of the laborer that we are trying to ascertain. The laborer is worthy of his hire, but the hire is fixed according to what he does and not by what he needs. The man who needs more sugar because his family need bread, will get no bread because he will sell no sugar. Business is business, and sympathy is sympathy, but the two do not run together.

### Hours of Work.

This is a matter in which the intelligent operators are particularly interested. As a rule their workings are deep and veins of coal are thick. They necessarily have greater expense for pumping and lifting the coal. The business itself necessarily entails large fixed charges. A breaker must be erected, and a shaft or slope sunk, costly machinery, tracks, mules and mine cars provided before a ton of coal is produced or a dollar of money received. When mining is commenced the receipts from the sale of coal must not only be enough to pay wages, royalties and running expenses, but there must be enough left by to reimburse the operator for the money first laid out for a second-hand mine shaft, breaker and machinery are practically worthless after a few hours. It is hardly possible that the difference between an eight-hour and a ten-hour day, to the operator might mean the difference between a profit and a loss. For illustration, suppose the expense of a four merchant are eighty dollars a day and he sells ten barrels an hour at a profit of a dollar on each barrel of the mine first laid out for a day his profit is eighty dollars, which just balances his expenses. If he works ten hours a day, his expenses are eighty dollars, and his whole profit one hundred leaving a net profit of twenty dollars per day. If the merchant were strictly bound down to an eight-hour day he would simply have to go out of business. There is such a thing as killing the goose that lays the golden egg. An eight-hour day for ten hours' work is like trying to make eighty cents worth of silver worth a dollar. It takes an act of congress to do that.

Indeed, we have heard very little eight-hour agitation of our own mines, and among our own employees. The clamor

### Question of Recognition.

The discussion of the question of whether or not recognition of the union was at issue was precipitated by Mr. Darrow. After referring to the contention of the operators against this matter, as set forth in their statements, he said that, "in a way," the authority of the commission was given by contrast and prescribed in the letter of submission from the operators and answer of the mine workers accepting the terms of submission. The offer of submission, however, he went on to argue, had been modified by the acceptance letter and other things, and in these modifications, the question of the recognition of the union—one of the matters in dispute in the strike—had been made an issue before the commission.

Furthermore, he said, the action of the respondents in accepting battle on the recognition question when it was introduced by the miners placed the question at issue. On the miners' side, said he, there is no desire to limit the scope of the commission's investigation, but in the argument of the case, he would insist that no evidence as to violence or attacks on the organization or its officers should be presented unless the question of recognition were at issue. The commission, he contended, could only listen to such testimony on the theory that the question of recognition was before them. Otherwise the testimony was not pertinent.

Mr. Wolverton remarked that Mr. Darrow's contention might be proper argument two weeks hence, at present it was not opportune.

Mr. Torrey argued that it would be

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utterly unfair to prevent the companies from making answer to the vast amount of testimony offered by the miners regarding their union after the companies had protested their and again against its introduction.

Judge Gray's only remark was that as yet the commission had not given itself over to any great extent to ruling out testimony. Nothing further, however, was said.

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